

PTO/SB/64 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DSC  
ITW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

03-10-2151

First named inventor: David Tsai

Application No.: 10/764,945

Art Unit: N/A

Filed: 01/26/2004

Examiner: N/A

Title: Alpha 1-Acid Glycoprotein, Alpha 2-HS Glycoprotein, Alpha 1-Antitrypsin, and Fragments Thereof Induce Apoptosis in Cancer Cell Lines

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Reply to Notice to File Corrected Application Papers (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/16/2005 EFLORES 00000043 10764945

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750.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

6/13/05  
Date

R. Joseph Trojan  
Typed or printed name

34,264  
Registration Number, if applicable

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Address

(310) 777-8399  
Telephone Number

\_\_\_\_\_  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Replacement drawings, cert mail, credit card form, cover letter, ret posted

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

6/13/05  
Date

  
Signature

R. Joseph Trojan  
Typed or printed name of person signing certificate



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June 13, 2005

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***VIA U.S. First Class Mail***  
Re: U.S. Patent Application for "Alpha 1-Acid Glycoprotein,  
Alpha 2-HS Glycoprotein, Alpha 1-Antitrypsin, and Fragments  
Thereof Induce Apoptosis in Cancer Cell Lines"  
U.S. Serial No. 10/764,945  
Filing Date: January 26, 2004  
Inventor: David Tsai  
Attorney Docket No. 03-10-2151

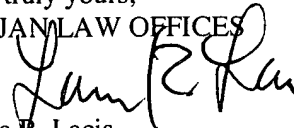
Dear Madam/Sir:

Please find enclosed the following documents for a Petition to Revive the Unintentionally Abandoned Application:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) (2 pages);
2. Credit Card Payment Form 2038 (1 page);
3. Response to Notice to File Corrected Application Papers Dated 9/22/2004 (3 pages) with three (3) attached exhibits (25 pages);
4. Cover letter (1 page);
5. Certificate of Mailing (1 page); and
6. Return post card (1 page).

If any additional fees are required, please deduct the required amounts from Deposit Account No. 500703 (Trojan Law Offices).

Very truly yours,  
TROJAN LAW OFFICES  
by

  
Larisa R. Lacis  
Reg. No. 47,729

Enclosures  
cc: Ms. Helen Chen



CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.8(a)

I hereby certify that the following:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) (2 pages);
2. Credit Card Payment Form 2038 (1 page);
3. Response to Notice to File Corrected Application Papers Dated 9/22/2004 (3 pages) with three (3) attached exhibits (25 pages);
4. Cover letter (1 page);
5. Certificate of Mailing (1 page); and
6. Return post card (1 page)

are being deposited with the U.S. Postal Service, First Class Mail postage prepaid, pursuant to C.F.R. 1.8(a) and are addressed to:

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On June 13, 2005 for

Application for "Alpha 1-Acid Glycoprotein, Alpha 2-HS Glycoprotein, Alpha 1-Antitrypsin, and Fragments Thereof Induce Apoptosis in Cancer Cell Lines"

U.S. Serial No. 10/764,945

Filing Date: January 26, 2004

Inventor: David Tsai

Attorney Docket No. 03-10-2151.

TROJAN LAW OFFICES

By

Larisa R. Lacis  
Reg. No. 47,729